

DISPOSITION: December 8, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7472. Adulteration of chocolate liquor. U. S. v. 69 Bags of Chocolate Liquor. Consent decree of condemnation and destruction. (F. D. C. No. 14526. Sample No. 85760-F.)

LIBEL FILED: November 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about February 23, July 29, and August 4, 1944, by Rockwood and Co., from Brooklyn, N. Y.

PRODUCT: 69 bags, each containing 20 10-pound bars, of chocolate liquor at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: December 8, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7473. Adulteration of cocoa. U. S. v. 710 Bags of Cocoa. Consent decree of condemnation. Product ordered delivered to a public or charitable institution, for use as fertilizer. (F. D. C. No. 12154. Sample No. 63221-F.)

LIBEL FILED: August 6, 1944, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about October 22, 1943, by the Royale Popcorn Co., from Joliet, Ill.

PRODUCT: 710 bags, each containing 40 pounds, of cocoa at Winston Salem, N. C.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shell and powdered cacao bean had been substituted in whole or in part for "Cocoa," which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (e) (1), it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; or, Section 403 (e) (2), an accurate statement of the quantity of the contents.

DISPOSITION: October 28, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public or charitable institution, for use as fertilizer.

SIRUPS, SUGARS, AND TOPPING

7474. Adulteration and misbranding of maple sirup. U. S. v. 22 Cases of Maple Sirup (and 4 other seizure actions against maple sirup.) Decrees of condemnation. Product ordered delivered to government or charitable institutions. (F. D. C. Nos. 13029, 13031, 13032, 13094, 13095. Sample Nos. 54845-F, 54851-F, 71652-F to 71654-F, incl., 79287-F, 79288-F.)

LIBELS FILED: Between July 29 and August 10, 1944, Eastern District of Virginia, Western District of Washington, and Eastern District of Wisconsin.

ALLEGED SHIPMENT: From on or about May 9 to June 22, 1944, by the American Roland Food Co., from New York, N. Y.

PRODUCT: 17 cases at Arlington, Va., 68 cases at Seattle, Wash., and 140 cases at Milwaukee, Wis., each case containing 24 6-ounce bottles of maple sirup.

LABEL, IN PART: (Bottles) "100% Grade A Pure Vermont Maple Syrup Sap [design of a maple leaf and maple trees] Tiffany Extract Co. * * * Pater-son, N. J.," or "Roland 100%" Grade A Pure Vermont Maple Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sugar sirup, had been in whole or in part omitted from the articles; and, Section 402 (b) (2), in the Washington and Wisconsin lots, sugar sirup, containing little or no true maple sugar or maple sirup, and in the Virginia lots, sugar sirup containing more than 35 percent water and little or no true maple sirup, had been substituted for maple sirup, which the article purported and was represented to be.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," the design of a maple leaf and maple trees, and the statement, "100% Grade A Pure Vermont Maple Syrup," were false and misleading; Section 403 (c), the article in the Washington and Virginia lots was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: Between September 25 and November 28, 1944. The shipper of the Arlington lot having consented to its condemnation, and no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered delivered to government or charitable institutions.

7475. Adulteration and misbranding of cane sirup. U. S. v. 2,093 Jars and 69 Cases of Sirup. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13936, 14332. Sample Nos. 63376-F, 63630-F.)

LIBELS FILED: October 7 and November 2, 1944, Middle and Southern Districts of Georgia.

ALLEGED SHIPMENT: On or about July 17 and 18 and August 12, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 2,093 jars of sirup at Albany, Ga., and 69 cases, each containing 64-ounce bottles, of sirup at Dublin, Ga.

LABEL, IN PART: "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of invert sugar sirup and cane sirup had been substituted in whole or in part for "Pure Sugar Cane Syrup," which the product was represented to be.

Misbranding, Section 403 (a), the label statement, "Pure Sugar Cane Syrup," was false and misleading as applied to a mixture of invert sugar sirup and cane sirup; Section 403 (b), the article was offered for sale under the name of another food; Section 403 (e) (2), (Albany lot only) it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of contents since the label statement, "Net Wt. 144 Oz. Avoir," was inaccurate; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 17 and December 5, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7476. Adulteration of sugar. U. S. v. 590 Bags of Sugar. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14093. Sample No. 63579-F.)

LIBEL FILED: October 27, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 25, 1944, from Pekin, Ill.

PRODUCT: 590 100-pound bags of sugar at Atlanta, Ga., in the possession of the Atlantic Company Brewery.

This product had been stored, after shipment, under insanitary conditions. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on the bags. Examination showed that the product contained rodent pellets and was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1944. The Atlantic Co., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for uses incident to the manufacture and processing of cloth, under the supervision of the Food and Drug Administration.